

Notice of Allowability

Application No.

10/686,272

Examiner

Huy K. Mai

Applicant(s)

HOFELDT, ALBERT JOHN

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed Jun. 14, 2007.
2. ☒ The allowed claim(s) is/are 1-13.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.



Huy Mai
Primary Examiner

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance: Holdeman (6,851,807) discloses a pair of eyeglasses having a pair of different colored lenses for viewing the image sheet. The different colored lenses may include a green lens and a red lens. Holdeman also suggest the different colors may be complementary colors. However, Holdeman lacks of teaching a means of attenuating the brightness of the light passing through one or both of said lenses to cause an interocular brightness difference as claimed in claim 8. The prior art fails to teach a combination of all the limitations as claimed in the independent claim 2, wherein the claimed invention consisting of presenting similarly shaped non-rivalrous fusible stimuli of similar binocular luminance and presenting similarly shaped rivalrous fusible stimuli of different binocular luminance, whereby, binocularly viewed stimuli form distinctive identifiable shapes that transform during perception and distinguish fusion from suppression, as claimed. The prior art also fails to teach a combination of all the limitations as claimed in the independent claim 1, wherein the claimed invention comprising (a) an enclosure with right and left eyepieces and focusing lenses, (b) a front chamber and a rear chamber with each chamber having independent lighting, (c) a backdrop in said front chamber for mounting stereograms, fusible images, and non-fusible images that are viewable through the eyepieces, (d) a two-way mirror partitioning said front chamber from said rear chamber that separates said backdrop in said front chamber from a rival image pair consisting of a right rival image and a left rival image located in said rear chamber so that said rival image pair is illuminated primarily from light from said rear chamber and said rival image pair is visible through said eyepieces only when the illumination is brighter in said rear chamber than in said front chamber, (e) means of providing sufficient energy to

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illuminate said front and rear chambers, (f) means of independently switching on and off the lighting of said front chamber and said rear chamber, whereby, images can be viewed by children and adults for measurement of binocularity, stereopsis, and binocular rivalry concurrently, or binocular rivalry can be measured separately from binocularity and stereopsis, as claimed. The prior art does not disclose or fairly suggest, either alone or in combining with any other reference, to meet a combination of all the limitations as claimed in claims 1, 2 and 8 either under 35 USC 102 or 103. Therefore claims 1-13 could be allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy K. Mai whose telephone number is (571) 272-2334. The examiner can normally be reached on M-F (8:00 a.m.-4:30 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky L. Mack can be reached on (571) 272-2333. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1562.

HKM/
August 18, 2007


Huy Mai
Primary Examiner